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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILSON & COUSINS DIVISION OF
PALAMAR INDUSTRIES, INC.,

Plaintiff,

V.

T. CHRISTY ENTERPRISES, INC.,

Defendant.

Case No. CV-08-0098-PJH

~~STIPULATION AND [PROPOSED]~~
ORDER RE PLAINTIFF'S
APPLICATION FOR TRO AND ORDER
TO SHOW CAUSE RE PRELIMINARY
INJUNCTION

On January 7, 2008, Plaintiff Wilson & Cousins Division of Palamar Industries, Inc. ("W&C") commenced this action alleging trademark infringement and other claims against defendant. W&C contemporaneously filed therewith an application for a temporary restraining order ("TRO") and order to show cause why a preliminary injunction should not issue. On January 7, 2008, the Court entered an order setting a briefing schedule and a

1 hearing on the TRO for January 23, 2008 at 9:00 a.m. The parties have conferred and agreed
2 to enter this stipulation and proposed order.

3 W&C and Defendant T. Christy Enterprises, Inc. hereby stipulate and agree that T.
4 Christy Enterprises, Inc., its officers, agents, servants, employees, and attorneys, and all
5 persons in active concert and privity with them, who receive actual notice of this order ("T.
6 Christy"), are hereby temporarily enjoined, pending decision on the order to show cause
7 referenced below in Paragraph 3, as follows:

8 1. T. Christy shall not sell or distribute any check valve or hose nozzle products
9 that feature the UL or ULC Listing Mark Control Number 27GH, any other UL or ULC
10 Listing Mark Control Number assigned by UL or ULC to W&C, the W&C model numbers
11 IE144T, IE144G and HNL-206T, or any check valve trade dress that is confusingly similar to
12 W&C's check valve trade dress¹, unless those products are manufactured or authorized by
13 W&C; and

14 2. T. Christy shall not display or depict any W&C product, the W&C model
15 numbers IE144T, IE144G and HNL-206T, the W&C trademark known as the W&C Helmet
16 Mark, a copy of which is reproduced below, the W&C check valve trade dress, or any
17 confusingly similar trademark or trade dress, in its catalog, on its website, or in any
18 advertising or promotional materials in order to sell or distribute products not manufactured or
19 authorized by W&C.

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24 ¹ The W&C check valve trade dress is defined for purposes of this order as the combination of
25 the following elements: "UL" and "ULC" marks, placed side by side toward the top of the
26 valve; followed underneath by the upper-case characters "LISTED", the product control
27 number "27GH," and the term "CHECK VALVE"; towards the bottom of the valve, a Factory
28 Mutual approval mark, namely, a diamond symbol encasing the letters "FM", and an
uppercase letter "S" placed directly to its right; rotating the valve 180 degrees, the display of a
directional water flow arrow with the number "4" placed immediately to the right of the
arrow; and directly underneath those symbols, the characters "300 LB," the characters
"IE144T" or "IE144G"; and the year of manufacture (e.g., "06").



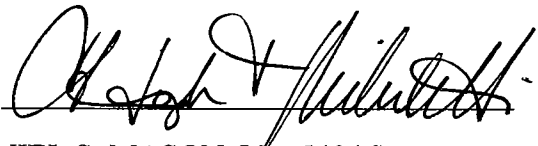
To provide the parties with an opportunity to reach a final settlement of this matter, W&C and T. Christy further stipulate, subject to the approval of the Court, that:

3. The January 23, 2008 hearing on W&C's Motion for a Temporary Restraining Order is hereby vacated. A hearing on an order to show cause why a preliminary injunction should not issue is set for ~~February 27, 2008~~ ^{March 12,} at 9:00 a.m., or at such other time as may be set by the Court. Any opposition by T. Christy shall be filed and served no later than ²¹ ~~14~~ calendar days before the hearing date, and any reply by W&C shall be filed and served no later than ¹⁴ ~~7~~ calendar days before the hearing.

4. This stipulation shall be without prejudice to the parties' respective positions on the merits of this action, including without limitation the parties' respective positions on the order to show cause why a preliminary injunction should not issue.

Dated: January 11, 2008

Respectfully submitted,

By: 

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Attorneys for Plaintiff Wilson & Cousins Division of
Palamar Industries, Inc.

1 Dated: January 11, 2008

2 By: Paul Stewart

3 JOHN B. SGANGA, JR.
4 PAUL A. STEWART
5 KNOBBE, MARTENS, OLSON & BEAR, LLP

6 Attorneys for Defendant T. Christy Enterprises, Inc.

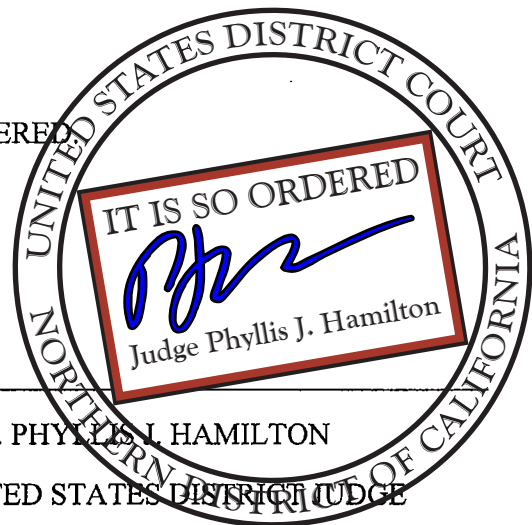
7 Opposition due February 20, 2008

8 Reply due February 27, 2008

9 Hearing March 12, 2008 at 9:00
10 a.m.

11 PURSUANT TO STIPULATION, IT IS SO ORDERED

12 Dated: January 14, 2008



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15 HON. PHYLLIS J. HAMILTON

16 UNITED STATES DISTRICT JUDGE
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